

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2070 of 2019

Arising Out of PS. Case No.-280 Year-2017 Thana- BIDUPUR District- Vaishali

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Pankaj Kumar Khurana Late Deepak Khurana @ Dipak Kumar Resident of
Mohalla- R.G.B. Raghuveer Nagar, 54, P.S.- Khagala, District- Delhi-27

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha 1
For the Opposite Party/s : Mr.Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 27-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 8/20(B)(ii)(C) of the N.D.P.S. Act.

Earlier prayer for bail of the petitioner was rejected by
Annexure-1 to this application taking into account that 64 kgs.
of Ganja was recovered from the car on which, the petitioner
and other accused were present there.

Allegedly, 64kg Ganja is recovered in the present case.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 13-09-2017. Charge sheet in this
case has already been submitted. 68 Kg. Ganja is alleged to



have been recovered from the vehicle in question. The petitioner is said to be driver of the vehicle in question. The amount of recovered Ganja is more than commercial quantity. Hence, in the light of Section 37 of NDPS Act, the petitioner is not entitled for bail. So far grant of bail of co-accused by a coordinate bench of this court is concerned, from perusal of the order it appears that in that order, Section 37 of the NDPS Act has not been taken into consideration.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The recovery of Ganja is above the commercial quantity.

The report from the court below has been received. From perusal of the report, it appears that five prosecution witnesses have already been examined. Only four witnesses are yet to be examined. The trial is expected to be concluded within a period of six months, if the parties cooperate.

Considering the fact that above the commercial quantity of Ganja has been recovered from constructive possession of the petitioner, his prayer for bail in connection with Bidupur 280 of 2017 is rejected.

Learned trial court is directed to take all necessary steps to conclude the trial of the petitioner, preferably, within a



period of 6 months from the date of receipt/production of copy of the order.

The District Magistrate and the Superintendent of Police, Vaishali at Hajipur are directed to ensure the production of prosecution witnesses on the date fixed by the trial court, so that trial could be concluded within the stipulated period of six months.

Let a copy of this order be communicated to the District Magistrate and the Superintendent of Police, Vaishali at Hajipur for needful.

(Sudhir Singh, J)

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